

14-cv-5442

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. Filings made by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Salon Blush, LLC and Alanna Ralph

**DEFENDANTS**

Blush Salon and Angel Stranieri

(b) County of Residence of First Listed Plaintiff

Philadelphia

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant

Philadelphia

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

A. Jordan Rushie - Mulvihill & Rushie LLC  
2424 E York Street, Suite 316, Philadelphia, PA 19125  
215-385-5291

Attorneys (If Known)

Unknown

**II. BASIS OF JURISDICTION**

(Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff☒ 3 Federal Question (U.S. Government Not a Party)☐ 2 U.S. Government Defendant☐ 4 Diversity (Indicate Citizenship of Parties in Item III)**III. CITIZENSHIP OF PRINCIPAL PARTIES**

(For Diversity Cases Only)

(Place an "X" in One Box for Plaintiff, and One Box for Defendant)

Citizens of This State

PTF DEF  
☐ 1 ☐ 1

Incorporated or Principal Place of Business in This State

PTF DEF  
☐ 4 ☐ 4

Citizen of Another State

☐ 2 ☐ 2

Incorporated and Principal Place of Business in Another State

☐ 5 ☐ 5

Citizen or Subject of a Foreign Country

☐ 3 ☐ 3

Foreign Nation

☐ 6 ☐ 6**IV. NATURE OF SUIT**

(Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability		<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<b>PERSONAL PROPERTY</b>	<b>LABOR</b>	<input checked="" type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 720 Labor/Management Relations	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice		<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>		<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<b>Habeas Corpus:</b>	<b>IMMIGRATION</b>	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 530 General			<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty			<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 540 Mandamus & Other			
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 550 Civil Rights			
		<input type="checkbox"/> 555 Prison Condition			
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity).

15 U.S.C. § 1051 et seq.

Brief description of cause:

The defendant has infringed, and continues to infringe, on plaintiff's trademark

**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$500,000

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

SEP 18 2014

DATE 9/19/14

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

S.T.

**GAM**

UNITED STATES DISTRICT COURT

14

5442

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 2407 YORK STREET, PHILADELPHIA, PA 19125Address of Defendant: 3168 COLONY DRIVE, PLYMOUTH MEETING, PA 19462Place of Accident, Incident or Transaction: PHILADELPHIA, PA

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?  
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))Yes ☐No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes ☐No ☒

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes ☐No ☒

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐No ☒

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes ☐No ☒CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts2. ☐ FELA3. ☐ Jones Act-Personal Injury4. ☒ Antitrust5. ☐ Patent6. ☐ Labor-Management Relations7. ☐ Civil Rights8. ☐ Habeas Corpus9. ☐ Securities Act(s) Cases10. ☐ Social Security Review Cases11. ☒ All other Federal Question Cases(Please specify) Trademark

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts2. ☐ Airplane Personal Injury3. ☐ Assault, Defamation4. ☐ Marine Personal Injury5. ☐ Motor Vehicle Personal Injury6. ☐ Other Personal Injury (Please specify)7. ☐ Products Liability8. ☐ Products Liability — Asbestos9. ☐ All other Diversity Cases

(Please specify) \_\_\_\_\_

## ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, A. Jordan Rushie, counsel of record do hereby certify:  
☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;☒ Relief other than monetary damages is sought.DATE: 9/18/14A. Jordan Rushie  
Attorney-at-Law209066

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 9/18/14A. Jordan Rushie  
Attorney-at-Law209066

Attorney I.D.#

CIV. 609 (5/2012)

SEP 18 2014

**GAM**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

Salon Blush  
v.  
Blush Salon

:  
:  
:  
:  
:

CIVIL ACTION

NO.

**14 5442**

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>9/18/14</u>	<u>A. Jordan Rushie</u>	<u>Plaintiff</u>
Date	Attorney-at-law	Attorney for
<u>215-385-5291</u>	<u>215-525-0909</u>	<u>Jordan@fishtownlaw.com</u>
Telephone	FAX Number	E-Mail Address

SEP 18 2014

**GAM**

**FILED**

SEP 18 2014

MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

**In the United States District Court  
For the Eastern District of Pennsylvania**

Salon Blush, LLC, and Alanna  
Ralph

*Plaintiffs,*

v.

Blush Salon, and Angela  
Stranieri,

*Defendants.*

Civil Action No.

**14 5442**

**Complaint**

**I. Jurisdiction and Venue**

1. This court has jurisdiction over this civil action pursuant to 15 U.S.C. 1125 section (a) (1) (A) and 15 U.S.C. 1125 section (a) (1) (B)
2. This court also has jurisdiction to grant injunctive relief in this case pursuant to 15 U.S.C. 1116.
3. The events giving rise to the instant claims and causes of action occurred in the Counties of Philadelphia, Pennsylvania making the United States District Court for the Eastern District of Pennsylvania the appropriate venue for this action pursuant to 15 U.S.C. 1121 (a). "

**II. The Parties**

4. Plaintiff Salon Blush is a state registered and licensed Hair and Makeup Salon located at 2407 York Street, Philadelphia, PA 19125.
5. Plaintiff Alanna Ralph, is the owner of Salon Blush and a citizen of the Commonwealth of Pennsylvania with her business address located at 2407 York Street, Philadelphia, PA 19125.

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Complaint

6. Defendant Blush Salon is a Hair Salon located at 6212 Ridge Avenue, Philadelphia, PA 19128.
7. Defendant Angelina Stranieri, is the owner of Salon Blush with her address located at 3168 Colony Drive, Plymouth Meeting, PA 19462.
8. The defendants are being sued individually and in their official capacity.

**III. Facts**

9. Salon Blush is a Hair and Makeup Salon that runs and operates its business in the City of Philadelphia, Pennsylvania. It is a well known and respected Salon in the Philadelphia area.
10. Blush's awards and accolades include:
  - Best Salon In Fishtown 2009 By Star
  - Best Salon In Fishtown 2010 By Star
  - Best Salon In Fishtown 2011 By Star
  - Best Salon In Fishtown 2012 By Star
  - Best Salon In Fishtown 2013 By Star
  - Published in Travel Girl Magazine 2010
  - Best Blowdry 2010 By Image awards Philadelphia weekly
  - Published In Cheesecake Magazine July 2011
  - Published in The Cats Meow Magazine Aug 2011
  - Published in Giuseppina Magazine Oct 2011
  - Won Award from ART.COM for " Indian Horse" 2011
  - Voted Top 10 Best Salon In Philadelphia by Philly Hot List PHL 17 2011

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- Voted Top 10 Best Massage In Philadelphia by Philly Hot List PHL 17 2011
  - Voted Finalist Best Photographer In Philadelphia by Philly Hot List PHL 17
  - Voted 2nd Runner up Best Facial In Philadelphia by Philly Hot List PHL 17 2011
  - Published in MLTS magazine dec 2011
  - Philly Hot List Finalist for Best Makeup 2012
  - Philly Hot List Top 10 Best Photographer 2012
  - Philly Hot List 2nd Runner Up Place Finalist for Best Facial 2012
  - Philly hot list 3rd Place Finalist Best Hair color 2012
  - Published In Giuseppina Magazine #11 7/2012
  - Published in Giuseppina Magazine 11/2012
  - Philly Happening BEST HAIR color in Philadelphia 2013
  - Philly Happening BEST FACIAL FINALIST 2013
  - Philly Happening BEST CUT Finalist 2013
  - Philly Happening Happening BEST CUT 2014
  - Philly Happening BEST MAKEUP 2014
11. Blush Salon is a Hair Salon that runs and operates its business in the City of Philadelphia, Pennsylvania.
12. Salon Blush and Blush Salon are located 7.52 miles apart.
13. Salon Blush began doing business under its current trade name and at its current location in the year 2006.
14. Blush Salon began doing business under its current trade name and at its current location in the year 2012.

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15. Salon Blush's trademark displays the words "Blush" with a Pink script font or a white script font on a Pink background. (Exhibit A)
16. Blush Salon's mark displays the words "blush" with a Pink script font. (Exhibit B)
17. The "l's" contained in both of these script fonts are identical.
18. The similarity between plaintiffs' and defendants' marks are so similar that they have, and will continue to cause confusion among the consuming public as to the origin of the goods and services provided by each.
19. This confusion caused by the similarity of the marks is compounded by the fact that the businesses in question are only separated by a distance of 7.52 miles and by the fact that the products and services rendered by the parties in this case are nearly identical.
20. The defendants in this case are well aware of the existence of Salon Blush and were well aware of its existence prior to opening Blush Salon.
21. The defendants adopted the trade name Blush Salon with the deliberate intent to infringe upon plaintiffs' Salon Blush mark and profit off of the reputation and goodwill developed by Salon Blush.
22. The defendants are well aware of the confusion that has occurred in the market as a result of this infringement.
23. The defendants have received profits as a result of this infringement that they would not have otherwise received or been entitled to.

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24. Plaintiff has suffered a loss of control of reputation, loss of trade, and loss of goodwill as a result of the defendants' deliberate trademark infringement in this case.

**IV Causes of Action - Trademark Infringement Under the Lanham Act, 15 U.S.C. § 1051 et seq.**

25. The Defendants, in connection with their goods and services, used in commerce Plaintiffs' business' words, terms, name, symbol and/or combinations and likenesses thereof.
26. The Defendants' actions in this regard were deliberate, willful and wanton, were intended to cause confusion and mistake, and were intended to deceive as to the affiliation, connection and association with plaintiff Alanna Ralph's Blush Salon.
27. These same actions have caused confusion and mistake in the marketplace as to Blush Salon's affiliation and association with Salon Blush.
28. The Defendants' actions in this regard have and are likely to continue to result in profits for which the defendants would not otherwise receive or be entitled to.
29. These profits have been generated by misappropriating the valuable reputation and goodwill developed by Salon Blush.
30. The above described actions constitute trademark infringement under Lanham Act, 15 U.S.C. § 1051 et seq.

**V. Relief Requested**

- Nominal, Compensatory and Punitive damages against the defendants in an amount in excess of \$150,000.00 (Twenty Five Thousand Dollars) under Lanham Act, 15 U.S.C. § 1051 et seq.
- A Temporary Restraining Order, Preliminary Injunction and Permanent Injunction preventing the defendants from using

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the words Blush Salon, The likeness of plaintiffs' Salon Blush logo, or any other similar promotional variations related hereto, when advertising their hair salon, products or services.

- The destruction of any and all labels, signs, prints, packages, t shirts, videos digital reproductions or any other tangible or electronic advertisement or product in the possession of the defendants and their affiliates that bear the words Blush Salon, The likeness of Plaintiffs' Salon Blush logo, or any other similar variations related thereto.
- Statutory damages for any and all of the profits generated by defendants while infringing upon the Salon Blush mark as provided in 15 U.S.C. 1117 (a).
- A trial by jury.
- Any and all attorney fees, filing fees, costs or other expenses related to the filing and litigation of this lawsuit.
- Any other relief plaintiff may be entitled to that is not requested herein.

WHEREFORE, plaintiffs demand judgment in their favor and against all defendants in an amount exceeding \$150,000.00, including attorneys fees, court costs, expenses, punitive damages, and whatever other relief this Court finds just and proper.

Respectfully Submitted,



A. Jordan Rushie  
Jordan@FishtownLaw.com  
Pa. Id. 209066

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Complaint

Mulvihill & Rushie LLC  
2424 East York Street • Suite 316  
Philadelphia, PA 19125  
215.385.5291

*Attorneys for Salon Blush LLC and Alanna Ralph*

**Verification**

I, **Alanna Ralph**, am a member of Salon Blush, LLC. I state that I have personal knowledge of the facts in the Complaint. I verify that the facts set forth in it are true and correct to the best of my knowledge, understanding, and belief. I understand that these statements are subject to penalty of perjury under the laws of the United States of America.

Date: September 16, 2014

By: 

**Alanna Ralph**

Exhibit A  
(Plaintiff's Mark)

Blush

Exhibit B

(Defendant's Mark)

blush  
salon